

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Troy N. MacDermott,

Civil No. 24-1234 (DWF/DJF)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Benjaman Shelabarger, *also known as*
Benjamin Shelabarger,

Defendant.

This matter is before the Court on the Reports and Recommendations of United States Magistrate Judge Dulce J. Foster dated July 16, 2024 (Doc. No. 28) and July 26, 2024 (Doc. No. 33). No objections have been filed to either of the Reports and Recommendations in the time period permitted.

The factual background for the above-entitled matter is clearly and precisely set forth in the Reports and Recommendations and are incorporated by reference. First, in the July 16, 2024 Report and Recommendation, the Magistrate Judge recommended that Defendant Benjamin Shelabarger's self-styled Motion for Summary Judgment (Doc. No. 25) be denied without prejudice. And in the July 26, 2024 Order and Report and Recommendation, the Magistrate Judge recommended that Plaintiff's self-styled motion to deny Defendant's motion for summary judgment be granted for the reasons set forth in

its July 16, 2024 Report and Recommendation.¹ Based upon the Reports and Recommendations of the Magistrate Judge and upon all the files, records, and proceedings herein, the Court now enters the following:

ORDER

1. Magistrate Judge Dulce J. Foster's July 16, 2024 Report and Recommendation (Doc. No. [28]) and July 26, 2024 Report and Recommendation (Doc. No. [33]) are **ADOPTED**.
2. Plaintiff's self-styled Motion to Deny Summary Judgment (Doc. No. [30]) is **GRANTED** consistent with the July 16, 2024 Report and Recommendation.
3. Defendant's self-styled Motion for Summary Judgment (Doc. No. [25]) is **DENIED WITHOUT PREJUDICE**.

Dated: August 23, 2024

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

¹ The Magistrate also ordered that Plaintiff's self-styled motion to compel be granted. That order is not before the Court.